

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 2:18-cr-253-APG-NJK

Plaintiff

**Order Accepting Magistrate Judge's
Report and Recommendation on Motion to
Dismiss**

v.

ANTHONY UVARI,

[ECF Nos. 197, 252]

Defendant

Defendant Anthony Uvari filed another motion to dismiss the indictment as time-barred. ECF No. 197. Magistrate Judge Koppe recommends that I deny the motion. ECF No. 252. I have conducted a de novo review¹ of the papers and issues related to Judge Koppe's Report and Recommendation. *See* Local Rule IB 3-2. I denied Uvari's previous motion to dismiss the indictment as time-barred. *See* ECF No. 101. Similar to what I wrote then, had the Government disclosed the IRS memo before the waivers were signed, presumably Uvari would have refused to sign the waivers and the Government would have timely indicted him. Uvari did not want that to happen. *See* ECF No. 89-2 at 2 (Uvari Decl. saying, "From the beginning, I was very clear with Mr. Toscher and his associate Evan Davis that I was not interested in a plea agreement and that the purpose of their representation was to obtain an agreement that the government would not pursue any charges . . ."). Although the Government eventually indicted him, Uvari received the benefit of a delay in that indictment. *Id.* at 3 ("Mr. Toscher and Mr. Davis advised me to sign the waiver because the government would indict me if I did not sign it. They told me

¹ Uvari argues that the standard of review is "clearly erroneous or contrary to law." ECF No. 255 at 4. That standard applies to review of a Magistrate Judge's order that has been referred under Local Rule IB 1-3 and 28 U.S.C. § 636(b)(1)(A). *See* LR IB 3-1(a). Here, Judge Koppe made a recommendation, not an order, under Local Rule IB 1-4(e) and 28 U.S.C. § 636(b)(1)(B). Thus, review is de novo. LR IB 3-2(b).

1 it would be beneficial for me if I signed because it would show a sign of good faith. They also
2 said if I signed the waiver that it would give them additional time to try and convince the
3 government not to indict me.”).

4 Uvari’s arguments and new evidence do not overcome my previous findings and
5 conclusions. Judge Koppe’s Report and Recommendation sets forth the proper legal analysis
6 and factual basis for the decision, and I adopt it as my own.

7 I THEREFORE ORDER that Magistrate Judge Koppe’s Report and Recommendation
8 **(ECF No. 252) is accepted**, and the defendant’s motion to dismiss **(ECF No. 197) is denied**.

9 DATED this 21st day of November, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE